

Remarks

Claims 11-22 are pending in the subject application. Applicants hereby reaffirm the election to prosecute CCL5/RANTES as the species and autoimmune hepatitis as the species of liver disease. By way of this amendment, claim 19 has been canceled to delete a duplicative claim. Accordingly, claims 11-18 and 20-22 are currently before the Examiner and claims 11, 12, 15, 16 and 20-22 read on the elected invention. Favorable consideration of the pending claims is respectfully requested.

Applicants respectfully traverse the restriction requiring the election of a single species of chemokine and liver disease. Particularly, it is respectfully submitted that the Office Action has not articulated proper grounds for holding that the claimed invention lacks unity of invention. As the Examiner is aware, this application is a national stage application and is subject to the unity of invention rules for restriction. The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept. Additionally, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression "special technical feature" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

In this instance, Applicants respectfully traverse the restriction requirement and respectfully assert that the claims are all linked by a special technical feature, namely, the reduced GAG-binding activity associated with the claimed CC-chemokine mutants (see specification, page 5, lines 15-22). Applicants respectfully submit that the requirement for an election of species fails to demonstrate that the claimed invention lacks a special technical feature and simply states that "the CC-chemokine mutants listed in claims 12-14 do not share a common structural feature". Applicants respectfully submit that this is insufficient for a finding that the presently claimed invention lacks unity, particularly since the special technical feature relates to the reduced GAG-binding activity of the

claimed CC-chemokine mutants. Accordingly reconsideration and withdrawal of the restriction requirement is respectfully requested.

In the event that the Examiner maintains the requirement for an election of species in this matter, Applicants respectfully request that the requirement for an election of species be reformulated as a restriction requirement directed to patentably distinct polypeptides and methods of treatment as such a requirement would be more consistent with the articulated rationale for holding that the claimed invention lacks unity of invention.

Applicants believe that the pending claims are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950
Gainesville, FL 32614-2950

FCE/sl